REMARKS

In the Office Action, the Examiner (1) rejected pending claims 1, 2, 5-8, 10, 11, 14 – 17 and 19 under 35 U.S.C 103(a) as being obvious over US Publication No. 2003/0088876 to Mao et al. (hereinafter "Mao") in view of US Patent No. 6,438,596 to Ueno et al. (hereinafter "Ueno"); (2) rejected pending claims 3, 4, 9, 12, 13 and 18 as obvious over Mao in view of Ueno and US Patent No. 7,188,151 to Kumar et al. (hereinafter "Kumar"); and (3) rejected pending claims 20 – 24 as obvious over Mao in view of Ueno and US Patent No. 6,574,663 to Bakshi et al. (hereinafter "Bakshi"). Applicants amend claims 1 and 10 and submit new claims 25-28. For the reasons provided below, Applicants believe all claims are in condition for allowance.

I.   **Rejection of claims 1, 2, 5-8, 10, 11, 14-17, and 19 based upon Mao in view of Ueno**

Claim 1 requires "generating a source list identifying a set of acquisition sources." Examiner admits that Mao fails to teach generating a source list identifying a set of acquisition sources. As a result of Mao's failing to teach the generation of a source list identifying a set of acquisition sources, Mao correspondingly fails to teach providing any such source list to a data requestor system, and receiving a data request including data requestor identification of an acquisition source within the source list.

Examiner states that Ueno teaches that a "service control unit 1007 determines whether channels for transmitting a video are able to be established between the users 1010 and the local servers 1005, 1006 and the center server 1001, and makes a reservation for bands between the user and a server, which can be established, to the network management control unit 1007 via the channel 1018, see, e.g., col. 18, line 58 to col. 19, line 2." Examiner further asserts that "the service control unit determines a server among multiple server resources based on the user selection," and that it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Ueno into Mao such that Mao includes a service control unit "in order to efficiently select a resource server among multiple resource servers for a user based on video source selected by the user."

Ueno teaches a video server system in which a service control unit generates a selection list of *video titles* for which server and network resources are immediately available. The service control unit provides this list of video titles to a user.

More specifically, in col. 19, beginning at line 28, Ueno teaches that "the service control unit 1007 *informs* the user 1010 of a *video source* to be selected." Ueno explicitly teaches the manner in which the service control unit 1007 *informs* the user of the *video source* beginning in col. 19, line 30, as follows:

> "information methods may include a list of *video titles* by characters, graphic display, and icon display...The user 1010 selects a desired *video source* among the proposed video sources *informed* from the service control unit 1007."

Hence, Ueno specifically teaches that a *video source* provided to a user or a set-top unit (STU) is a video title, and the service control unit 1007 *informs* the user of a video source, i.e., a video title, *by providing the user with a list of video titles*. In accordance with Ueno's teachings, all the user receives or sees is a list of video titles. In response to user selection of a video title, Ueno's service control unit 1007 determines a server (e.g., local server 1005) from which the video is to be provided.

Claim 1 as amended requires "generating a source list identifying a set of acquisition sources coupled to a Realtime Multimedia Data On Demand (RTMDOD) server, *each acquisition source within the set of acquisition sources identified in the source list comprising a device configured for provision of data therefrom*." Claim 1 as amended specifies that acquisition sources are identified in the source list, and each acquisition source identified in the source list is a device configured for provision of data. The source list of amended claim 1 cannot be construed as a list of video titles or any equivalent thereto, and an acquisition source in accordance with amended claim 1 cannot be construed as a video title or a video. Claim 1 additionally requires "**providing to the data requestor system in response to the list request the source list identifying each acquisition source**..."

Thus, claim 1 as amended specifically recites providing to a data requestor system a source list in which a set of *devices* configured for provision of data to the data requestor system are identified.

Claim 1 further recites the following:

> receiving a data request from the data requestor system at the RTMDOD server, the data request including *data requestor system identification of a first acquisition source within the source list;*

Therefore, claim 1 as amended recites receiving from a data requestor system a list request that includes data requestor system identification of *a device* identified in the source list, where the identified device is configured for provision of data.

The combination of Mao and Ueno fails to teach or intimate generating a source list identifying a set of acquisition sources coupled to a Realtime Multimedia Data On Demand (RTMDOD) server, wherein each acquisition source within the set of acquisition sources identified in the source list comprises a device configured for provision of data. The combination of Mao and Ueno correspondingly fails to teach or intimate providing such a source list to a data requestor system. Accordingly, the combination of Mao and Ueno further fails to teach or intimate receiving from a data requestor system a data request that includes data requestor system identification of an acquisition source within such a source list. The combination of Mao and Ueno thus fails to result in the invention of claim 1 as amended.

In accordance with Ueno's teachings, Ueno's service control unit provides a user with nothing more than a list of video titles. That is, Ueno explicitly teaches that all a user receives or sees as a result of system control unit operation is a list of video titles. A list of video titles is not equivalent to, nor is it suggestive of, nor would it lead anyone of any skill in the art to or toward the provision of a user or a data requestor system with a source list in accordance with claim 1 as amended.

Nowhere does Ueno teach, suggest, or intimate that the service control unit 1007 provides, could provide, or should provide a user or a data requestor system (or any other type of system) with a source list in which a set of acquisition sources is identified, where each acquisition source comprises <u>*a device*</u> configured for the provision of data, in accordance with claim 1 as amended.

Any combination of Mao and Ueno fails to teach, suggest, or lead anyone of any skill in the art to or toward claim 1 as amended. Applicant submits that claim 1 as amended is nonobvious over Mao in view of Ueno.

Applicant has amended claim 10 in a manner analogous to claim 1. Claims 2, 5 – 8, and 19 are dependent upon claim 1, and claims 11 and 14 – 17 are dependent upon claim 10. In view

of the foregoing, Applicant respectfully requests withdrawal of the rejection of claims 1, 2, 5-8, 10, 11, 14-17 and 19.

II.   Rejections under 35 U.S.C 103(a) based upon Mao in view of Ueno and further in view of Kumar

Claims 3, 4, 9, 12, 13, and 18 stand rejected as obvious over Mao in view of Ueno and Kumar. Such claims depend from base claims that are allowable over Mao in view of Ueno as explained above. Kumar does not address the deficiencies noted above. Additional reasons are provided below for the patentability of this group of claims.

The Examiner alleges that Kumar offers teachings regarding registration data, and teachings regarding updating acquisition source status. Kumar fails to teach, suggest, or intimate (1) a system that generates a source list identifying a set of acquisition sources, where each acquisition source identified in the source list comprises a device configured for the provision of data; (2) providing to a data requestor system in response to a list request the source list identifying each acquisition source; and (3) receiving a data request from the data requestor system, where the data request includes data requestor system identification of a first acquisition source within the source list.

For these additional reasons, claims 3, 4, 9, 12, 13, and 18 are in condition for allowance. Analogous remarks apply to independent claim 10, and its dependent claims 12, 13, and 18.

III.   Rejections of claims 20-24 over Mao in view of Ueno and Bakshi

Claims 20–24 are dependent upon claim 1. In a manner analogous to that described above, the inclusion of Bakshi in combination with Mao and Ueno fails to remedy the deficiencies of Mao and Ueno with respect to amended claim 1. Applicant therefore respectfully requests withdrawal of Examiner's obviousness rejection of claim 20–24.

IV.   New Claims 25-28

Applicant has submitted new claims 25–28. Support for new claims 25 – 28 exists in Applicant's originally filed specification. Applicant therefore submits that no new matter is introduced by new claims 25 – 28. Applicant further submits that new claims 25–28 are nonobvious over any combination of Mao, Ueno, Kumar, and Bakshi.

CONCLUDING COMMENTS

In accordance with the foregoing remarks, Applicant respectfully submits that no combination of Mao, Ueno, Kumar, and/or Bakshi results in or leads to or toward the invention recited by independent claims 1 and 10 or their corresponding dependent claims. Accordingly, Applicant respectfully requests withdrawal of rejections of pending claims 1 – 24 under 35 U.S.C. § 103(a). Examiner reconsideration of pending claims 1 – 24, entry and consideration of new claims 25 – 28, and issuance of a Notice of Allowance are hereby respectfully requested.

Submitted herewith are a two (2) month extension of time and corresponding fee. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account Number 03-2769.

Respectfully submitted,

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